



February 7, 2001

SENATE BILL No. 233

DIGEST OF SB 233 (Updated February 5, 2001 4:47 PM - DI 47)

Citations Affected: Noncode.

Synopsis: Indiana energy policy commission. Establishes the Indiana energy policy commission.

Effective: Upon passage.

Gard, Young R

January 9, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

February 6, 2001, amended, reported favorably — Do Pass.

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SB 233—LS 7502/DI 52+



February 7, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 233

A BILL FOR AN ACT concerning utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "commission" refers to the Indiana energy policy**
3 **commission established by subsection (b).**

4 **(b) The Indiana energy policy commission is established.**

5 **(c) The commission consists of twenty-five (25) members as**
6 **follows:**

7 **(1) Eighteen (18) members appointed by the governor, not**
8 **more than nine (9) of whom may be members of the same**
9 **political party.**

10 **(2) Two (2) members of the senate, not more than one (1) of**
11 **whom is a member of the same political party, appointed by**
12 **the president pro tempore of the senate.**

13 **(3) Two (2) members of the house of representatives, not more**
14 **than one (1) of whom is a member of the same political party,**
15 **appointed by the speaker of the house of representatives.**

16 **(4) The chairman of the Indiana utility regulatory**
17 **commission.**

18 **(5) The utility consumer counselor.**

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(6) A member of the Indiana energy development board appointed by the governor.

(d) In making the appointments under subsection (c)(1), the governor shall select representatives from the following sectors in order to produce a commission that includes a broad array of stakeholders in Indiana's energy policies:

(1) Consumer interests.

(2) Utility companies.

(3) Industrial and other commercial businesses.

(4) Generators and wholesalers of power and other energy sources.

(5) State regulatory and economic development agencies.

(6) Environmental advocacy groups.

(7) Other entities identified by the governor that have an interest in the comprehensive state energy policy to be developed by the commission.

(e) The governor shall appoint one (1) of the members of the commission as the chairperson of the commission.

(f) The members of the commission must be Indiana residents.

(g) The appointed members of the commission serve at the pleasure of the person who appointed them.

(h) The term of office of the members of the commission is from October 1, 2001, until December 1, 2002.

(i) A vacancy on the commission shall be filled for the remainder of the unexpired term by the person who made the original appointment.

(j) The expenses of the commission shall be paid from the budget of the Indiana utility regulatory commission. The Indiana utility regulatory commission shall:

(1) provide administrative support to the commission; and

(2) staff the commission.

(k) Each member who is not a state employee is:

(1) not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b); and

(2) entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the duties of the member as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(l) Each member of the commission who is a state employee, but who is not a member of the general assembly, is entitled to



reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(m) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(n) The meetings of the commission shall be open to the public under IC 5-14-1.5. The affirmative votes of a majority of the commission members are required for the commission to take action on any measure, including final reports. The chairperson shall:

- (1) preside at meetings;
- (2) call meetings as the chairperson considers necessary; and
- (3) cause notice of meetings to be given in accordance with IC 5-14-1.5.

(o) The chairperson shall:

- (1) afford any person attending a public meeting of the commission an opportunity to comment through oral or written presentation;
- (2) retain all written comments submitted to the commission;
- (3) make all written comments submitted to the commission available for public inspection; and
- (4) maintain a record of the proceedings of the commission.

(p) The commission shall formulate a recommendation for a state energy policy after studying:

- (1) the adequacy of electric power supply to serve:
 - (A) existing load requirements; and
 - (B) long term projected growth requirements;
- (2) the ability of the state to achieve necessary levels of electric power reserves;
- (3) the desirability of maintaining the state's favorable position among the states in terms of average cost of power;
- (4) the necessity of formulating an economic development strategy, as part of an overall energy strategy, that ensures that sufficient supplies of energy are made available to accommodate and foster economic growth and job creation;



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1 (5) the necessity of recognizing and accounting for the need to
2 provide state and federal assistance to low income energy
3 consumers;

4 (6) the necessity for energy utility companies to provide high
5 levels of service;

6 (7) the necessity for promoting and practicing energy
7 conservation and energy efficiency;

8 (8) the necessity for examining the potential benefits of
9 alternatives to traditional energy sources;

10 (9) the possibility of eventual deregulation of the electric and
11 gas industries; and

12 (10) any other issue the commission determines is necessary
13 to study in order to formulate a state energy policy.

14 (q) Before December 1, 2002, the commission shall prepare and
15 submit a final report on the commission's operations and
16 recommended state energy policy to:

17 (1) the governor;

18 (2) the lieutenant governor;

19 (3) the legislative council;

20 (4) the Indiana utility regulatory commission; and

21 (5) the Indiana recycling and energy development board.

22 (r) This SECTION expires December 1, 2002.

23 SECTION 2. An emergency is declared for this act.

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SENATE MOTION

Mr. President: I move that Senator Young R be added as second author of Senate Bill 233.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 233, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 5 through 18, begin a new paragraph and insert:

"(c) The commission consists of twenty-five (25) members as follows:

(1) Eighteen (18) members appointed by the governor, not more than nine (9) of whom may be members of the same political party.

(2) Two (2) members of the senate, not more than one (1) of whom is a member of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, not more than one (1) of whom is a member of the same political party, appointed by the speaker of the house of representatives.

(4) The chairman of the Indiana utility regulatory commission.

(5) The utility consumer counselor.

(6) A member of the Indiana energy development board appointed by the governor.

(d) In making the appointments under subsection (c)(1), the governor shall select representatives from the following sectors in order to produce a commission that includes a broad array of stakeholders in Indiana's energy policies:

(1) Consumer interests.

(2) Utility companies.

(3) Industrial and other commercial businesses.

(4) Generators and wholesalers of power and other energy sources.

(5) State regulatory and economic development agencies.

(6) Environmental advocacy groups.

(7) Other entities identified by the governor that have an interest in the comprehensive state energy policy to be developed by the commission."

Page 2, delete lines 1 through 26.

Page 2, line 27, delete "(f)" and insert "(e)".

Page 2, line 29, delete "(g)" and insert "(f)".

Page 2, line 30, delete "(h) The" and insert "(g) The appointed".

Page 2, line 31, delete "governor." and insert "person who

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appointed them."

Page 2, line 32, delete "(i)" and insert "**(h)**".

Page 2, delete lines 34 through 38, begin a new paragraph and insert:

"(i) A vacancy on the commission shall be filled for the remainder of the unexpired term by the person who made the original appointment."

Page 2, line 39, delete "(k)" and insert "**(j)**".

Page 3, line 2, delete "(l)" and insert "**(k)**".

Page 3, line 11, delete "(m)" and insert "**(l)**".

Page 3, line 18, delete "(n)" and insert "**(m)**".

Page 3, line 25, delete "(o)" and insert "**(n)**".

Page 3, line 34, delete "(p)" and insert "**(o)**".

Page 3, line 42, delete "(q)" and insert "**(p)**".

Page 4, delete lines 18 through 21.

Page 4, line 22, delete "(8)" and insert "**(7)**".

Page 4, line 23, before ";" insert "**and energy efficiency**".

Page 4, line 24, delete "(9)" and insert "**(8)**".

Page 4, line 26, delete "(10)" and insert "**(9)**".

Page 4, line 28, delete "(11)" and insert "**(10)**".

Page 4, line 30, delete "(r)" and insert "**(q)**".

Page 4, line 38, delete "(s)" and insert "**(r)**".

and when so amended that said bill do pass.

(Reference is to SB 233 as introduced.)

GARTON, Chairperson

Committee Vote: Yeas 6, Nays 2.

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